



[4910-RY]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and the United States Fish and Wildlife Service (USFWS).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and USFWS that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project on State Route 152 near the City of Gilroy in Santa Clara County in the State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before **[INSERT DATE 150 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Eric DeNardo, Associate Environmental Planner, 111 Grand Ave. MS-8B Oakland, CA 94612, 7:30 a.m.-

5:15p.m., (510) 286-5645, eric.denardo@dot.ca.gov. For USFWS: Jerry Roe, Caltrans Liaison, U.S. Fish and Wildlife Service, 28000 Cottage Way Sacramento, CA 95825, (916) 414-6600, jerry_roe@fws.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, and USFWS have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the State Route (SR) 152 Shoulder Widening project in the State of California. The project would improve roadway safety along SR 152 from 0.6 miles west of Prunedale Avenue to 0.24 miles east of Prunedale Avenue east of the City of Gilroy, in unincorporated Santa Clara County. All shoulders less than 8 feet wide would be widened to standard 8-foot shoulders, with rumble strip placement within both shoulders and median. The existing drainage ditch on the westbound shoulder of SR 152 would be improved by relocating it further from the roadway and reconstructing it to have less steep slopes. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on June 24, 2015 in the FHWA Findings of No Significant Impact (FONSI) issued on June 24, 2015, and in other documents in Caltrans' project records. The EA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project web site at <http://www.dot.ca.gov/dist4/envdocs.htm> , or viewed at public libraries in the project area. The USFWS decision and Biological Opinion are available by contacting USFWS at the address provided above. This notice applies to all Federal agency

decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
3. Federal-Aid Highway Act of 1970, [23 U.S.C. 109](#)
4. MAP-21, the Moving Ahead for Progress in the 21st Century Act
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. [Executive Order 13112](#), Invasive Species
14. [Executive Order 13186](#), Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006-1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987
Section 130
19. Coastal Zone Management Act of 1972

20. Coastal Zone Management Act Reauthorization Amendments Of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. [Executive Order 12898](#), Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E. O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Matthew Schmitz,
Director,
Project Delivery,
Federal Highway Administration,
Sacramento, California.

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